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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,650	12/20/1999	ROBERT EVERETT PARKHILL	0500.9907201	1437
23418	7590	08/11/2005	EXAMINER	
VEDDER PRICE KAUFMAN & KAMMHLZ 222 N. LASALLE STREET CHICAGO, IL 60601			WOOD, WILLIAM H	
		ART UNIT	PAPER NUMBER	
		2193		

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/466,650	PARKHILL, ROBERT EVERETT	
	<b>Examiner</b>	<b>Art Unit</b>	
	William H. Wood	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 May 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-23 and 25-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1, 3-23, 25-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

Claims 1, 3-23 and 25-27 are pending and have been examined.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-9 and 11-15, 17-20, 22-23 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cheng et al. (EP 0 811 942 A2)** in view of **Venkatesan et al. (USPN 6,209,093)**.

### **Claim 1**

**Cheng** disclosed a method for updating data for a first processing entity, for detection by at least a second processing entity comprising the steps of:

detecting a need to update data for the first processing entity, based on a communication with the second processing entity (*page 3, lines 14-48*);  
automatically redirecting, communication from the first processing entity and the second processing entity, to the first processing entity and the third processing entity, under control of the second processing entity, in response to detecting the need to update data (*page 3, lines 14-48*);

providing updated data for the first processing entity, by the third processing entity (*page 3, lines 14-48*)

**Cheng** did not explicitly state *providing update complete data which is different from the updated data, under control of the third processing entity, for the second processing entity*. **Venkatesan** demonstrated that it was known at the time of invention to provide from a vendor, third entity, update complete data for a second entity, vendor related service provider (column 14, line 48 to column 15, line 15; note cookie communication of successfully updated/installed software). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the multi-party installation system of **Cheng** with authentic update status communication between entities as found in **Venkatesan's** teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide secure communication about the validity of update/installations (**Venkatesan**: column 14, lines 63-65). Further note, service provider database as extension of the vendor (**Cheng**: page 3, lines 18-19).

Claim 4

**Cheng** and **Venkatesan** disclosed the method of claim 1 wherein the step of providing update complete data includes providing the update complete data for the second processing entity, by way of the first processing entity (**Venkatesan**: column 14, lines 53-56).

Claim 5

**Cheng** and **Venkatesan** disclosed the method of claim 1 wherein the step of providing update complete data includes providing the update complete data to the second processing entity (**Venkatesan**: column 14, lines 53-56; **Cheng**: page 3, lines 18-19).

Claim 6

**Cheng** and **Venkatesan** disclosed the method of claim 1 wherein the step of detecting a need to update data includes the step of determining whether a connection request between the first processing entity and the second processing entity includes a cookie associated with the second processing entity (**Venkatesan**: column 14, lines 53-56).

Claim 7

**Cheng** and **Venkatesan** disclosed the method of claim 1, wherein the data includes certificate data (**Venkatesan**: column 14, lines 52-53) and wherein the method also includes determining whether a certificate update should occur for the first processing entity based on whether cookies have been received by the first processing entity from the second and third processing entities (**Cheng**: page 3, lines 14-48; page 17, lines 20-30 and 49-55; **Venkatesan**: column 14, lines 54-56 and column 15, lines 7-15).

Claim 8

**Cheng** and **Venkatesan** disclosed the method of claim 1 further including the step of automatically redirecting communication from the first processing entity and the third

processing entity to the first processing entity and the second processing entity based on update confirmation data (**Cheng**: page 3, lines 14-48).

Claim 9

**Cheng** and **Venkatesan** disclosed the method of claim 1 wherein the step of automatically redirecting communication from the first processing entity further includes the step of sending, by the second processing entity, a uniform resource locator of the third processing entity, to the first processing entity in response to the second processing entity detecting the need to update data for the first processing entity (**Cheng**: page 3, lines 23-25).

Claim 11

**Cheng** and **Venkatesan** disclosed the method of claim 1 wherein the step of providing update complete data under control of the third processing entity includes sending a redirect command back to the first processing entity, by the third processing entity, to direct the update complete data to be sent by the first processing entity to the second processing entity, and wherein the method further includes the step of sending, in response to the update complete data, a cookie from the second processing entity to the first processing entity to confirm acceptance of the update (**Cheng**: page 3, lines 14-48; page 17, lines 20-30 and 49-55; **Venkatesan**: column 14, lines 54-56 and column 15, lines 7-15).

Claims 12-15, 17-20, 22-23 and 26-27

The limitations of claims 12-15, 17-20, 22-23 and 26-27 correspond to claims 1, 4-9 and 11 and as such are rejected in the same manner.

3. Claims 3, 10, 16, 21 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cheng et al.** (EP 0 811 942 A2) in view of **Venkatesan et al.** (USPN 6,209,093) in further view of Netscape's "**SmartUpdate** Developer's Guide".

Claim 3

**Cheng** and **Venkatesan** did not explicitly state the method of claim 1 including the step of providing update confirmation data from the first processing entity to the third processing entity. **SmartUpdate** demonstrated that it was known at the time of invention to provide a confirmation of update (chapter 4, section "Finalize or Abort the Installation", page 6). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the multi-part update system of **Cheng** with update confirmation to the vendor as found in **SmartUpdate**'s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to verify an installation for an accurate cookie to be sent, instead of the case of abort (chapter 4, section "Finalize or Abort the Installation", page 6).

Claim 10

**Cheng** and **Venkatesan** did not explicitly state the method of claim 9 including the steps of:

- sending, by the third processing entity, update instructions to the first processing entity and a request for confirmation of completion of an update.
- sending, by the first processing entity, update confirmation data to the third processing entity in response to receiving the request for confirmation of completion of an update.

**SmartUpdate** demonstrated that it was known at the time of invention to provide a confirmation of update (chapter 4, section “Finalize or Abort the Installation”, page 6). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the multi-part update system of **Cheng** with update confirmation to the vendor as found in **SmartUpdate**’s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to verify an installation for an accurate cookie to be sent, instead of the case of abort (chapter 4, section “Finalize or Abort the Installation”, page 6).

Claims 16, 21 and 25

The limitations of claims 16, 21 and 25 correspond to claims 3 and 10 and as such are rejected in the same manner.

**Response to Arguments**

Art Unit: 2193

4. Applicant's arguments filed 13 May 2005 have been fully considered but they are not persuasive. Applicant argues: <sup>1)</sup> **Venkatesan** fails to provide update complete data for the second processing entity; <sup>2)</sup> as in claim 7, **Cheng** and **Venkatesan** fail to disclose cookies from the entities and determination to update a certificate; and <sup>3)</sup> no disclosure of the web structure. Applicant's arguments are unpersuasive.

First, at very least update complete data is given to an intermediary site for verifying an update (**Venkatesan**: column 14, lines 58-60; manufacturer's web site as opposed to manufacturer's installation server). Of course when combined with **Cheng**, an intermediary site used for multiple manufacturer's is provided. Further note, **Cheng** provides a mechanism for registering updates that have been successful (**Cheng**: page 17, lines 49-55).

Second, cookies are clearly illustrated as a communication mechanism in **Venkatesan** (column 14, lines 54-56), which is combined with **Cheng**. By receiving from the third processing entity (software installation mechanism) a cookie indicating update complete data, which is provided to the second entity (generic update site), the cookies can later be used to determine an update status and therefore an update needs from the second entity registration mechanism (**Cheng**: page 17, lines 49-55).

Third, **Cheng** provides a web structure for the invention (page 5, lines 31-36).

Applicant's other arguments are substantially related to the above arguments addressed and are therefore addressed in the same manner. As to claim 14, the limitations of claim 7 do not appear to be found related, though claim 1 is related. As Applicant's arguments have been addressed, the rejections are maintained.

### **Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### **Correspondence Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 9:00am - 5:30pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)-272-3719. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



William H. Wood  
August 1, 2005



ANIL KHATRI  
PRIMARY EXAMINER